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August 8, 2016

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VIA ECF

Honorable Susan D. Wigenton
United States District Judge
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Room 4015
Newark, NJ 07101

Re: Objection to portions of plaintiff's reply brief in support of motion to remand and purported evidence attached thereto -- Deepa Desai v. Actavis Pharma, Inc.
2:16-cv-03345-SDW-LDW

Dear Judge Wigenton:

We write to object to portions of plaintiff's reply brief in support of her motion to remand and purported evidence attached thereto (Dkt. #17). Specifically, plaintiff attached the Certification of Arthur L. Raynes and accompanying materials – i.e., a certification by plaintiff (Exhibit A), a redacted incentive plan (Exhibit B), and a case citation (Exhibit C) – for the first time to her reply papers and referenced such materials on pages 10, 13, and 15 of her reply brief, even though such materials should have been included in plaintiff's moving papers. By including this material for the first time in her reply, plaintiff has denied defendant a fair opportunity to respond. See *Millner v. Bayada Nurses, Inc.*, No. CIV. 05-3164(RBK), 2006 WL 231993, at *4 (D.N.J. Jan. 30, 2006) (declining to consider new arguments raised for the first time in a reply to a motion to dismiss; “Because Defendant had ample opportunity to raise these arguments and did not do so, this Court will not address the merits of the new arguments in Defendant's Reply.”).

Thank you for your attention to this matter.

Respectfully Submitted,

/s/ Shaira Sithian
Shaira Sithian
for PAUL HASTINGS LLP
Attorneys for Defendant

cc: All counsel (via ECF)